

REMARKS

Claims 3-6, 14-42, 45-68, 71-76, 78-80, 82-93 and 95-109 are now pending in the application, of which Claims 3-6, 14-42, 45-68, 71-75, and 82-89 and 95-109 have been withdrawn from consideration. Claims 76, 78-80 and 90-93 stand rejected. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 76 and 90 (with all dependent claims) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph, set forth below. In view of the amendments made herein and the arguments set forth below, it is believed that claims 76 and 90 are now in condition for allowance. Inasmuch as claims 78-80 depend from claim 76 and claims 91-93 depend from claim 90, these claims are also believed to be in condition for allowance.

SPECIFICATION

The Amendment filed October 18, 2006 is objected to under 35 U.S.C. § 132(a) because it introduces new matter into the disclosure, specifically regarding newly-amended paragraph [0186]. Applicants have amended paragraph [0186] according to the Examiner's comments to be consistent with the disclosure as originally filed. More specifically, the term "measure" has been replaced with "monitor". Furthermore, the term

“item” has been replaced with “workpiece”. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 76, 78-80 and 90-93 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, in Claims 76 and/or 90, the following phrases are deemed to be incorrect and/or new matter:

“a depth sensor that measures a depth of an item being fed into/proximate to the active portion of the power tool and is adapted to determine a human extremity in proximity to the active portion of the power tool based on said measurement”

“a depth sensor that measures a depth” and “is adapted to determine a human extremity in proximity to the active portion of the power tool based on said measurement”

“a depth sensor that measures a depth...is adapted to determine a human extremity in proximity to the active portion of the power tool based on said measurement”; and

“a depth sensor that measures a depth of an item proximate to the active portion”.


This rejection is respectfully traversed. As described above with respect to amended paragraph [0186], Applicants have corrected all such informalities to be consistent with the disclosure as originally filed. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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